



61 AP 1624

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Frank Himmelsbach et al) Art Unit: 1624
U.S. Appln. No. : 10/016,280) Examiner: Patel, S.
Confirmation No. : 7351
U.S. Filing Date : December 10, 2001
Title of Invention : Bicyclic heterocycles, pharmaceutical compositions containing these
compounds, their use and processes for preparing them
Attny. Docket No. : 5/1262

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

SEP -9 2004

TECH CENTER 1600/2900

September 1, 2004

TRANSMITTAL LETTER FOR INFORMATION DISCLOSURE STATEMENT

Sir:

Transmitted herewith concerning the subject application is an Information Disclosure Statement (Form 1449A/B) under 37 C.F.R. §§1.56 and 1.97, as more specifically described hereinbelow.

☐ 1.97(b). This Statement is being filed: i) within three (3) months of the filing date of a national application other than a continued prosecution application under 33 C.F.R. §1.53 (d); ii) within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application; iii) before the mailing of a first Office action on the merits; or iv) before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. §1.114.

☒ 1.97(c). This Statement is being filed after the time period specified in 37 C.F.R. §1.97(b), but before the mailing date of: i) a final action under 37 C.F.R. §1.113, ii) a notice of allowance under 37 C.F.R. §1.311, or iii) an action that otherwise closes prosecution in the application. This Statement is being accompanied by:

☐ A statement as specified in 37 C.F.R. §1.97(e) [see below]; or

☒ The fee set forth in 37 C.F.R. §1.17(p).

☐ The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.

☐ 1.97(d). This Statement is being filed after the period specified in 37 C.F.R. §1.97(c) but on or before payment of the issue fee. This Statement is accompanied by a statement as specified in 37 C.F.R. §1.97(e) [see below] and the fee set forth in 37 C.F.R. §1.17(p).

☐ 1.97(e).

☐ Each item of information contained in the instant information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the instant information disclosure statement; or

☐ No item of information contained in the instant information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in the instant information disclosure statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three (3) months prior to the filing of the instant information disclosure statement.

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☐ 1.704(d). Each item of information contained in the accompanying information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, which communication was not received by any individual designated in section 1.56(c) more than thirty (30) days prior to the filing of the accompanying information disclosure statement.

☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. §1.16 and any patent application processing fees under 37 C.F.R. §1.17, or credit any overpayment of same, to Deposit Account No. 02-2955.

Triplicate copies of this form are enclosed.

Respectfully submitted,

Susan K. Pocchiari

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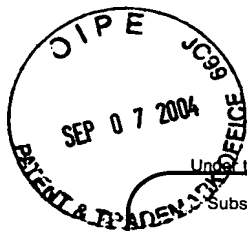
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STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

1

of

2

Complete if Known

Application Number	10/016,280
Filing Date	December 10, 2001
First Named Inventor	Frank Himmelsbach
Art Unit	1624
Examiner Name	Patel, S.
Attorney Docket Number	5/1262

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		WO 95/20045	07/27/1995	The Institute of Cancer Research, Royal Cancer Hosp.		
		WO 99/35146	07/15/1999	Glaxo Group Limited		
		WO 97/02266	01/23/1997	CIBA-Geigy AG		
		WO 00/31068	06/02/2000	Berlex Laboratories		
		WO 96/30347	10/03/1996	Pfizer Inc.		

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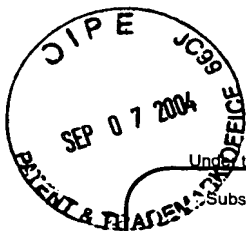
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		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		WO 96/33980	10/31/1996	Zeneca Limited		
		WO 98/43960	10/08/1998	American Cyanamid		

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